

**PLAINTIFF'S MOTION  
EXHIBIT 4**

A. SCHOOLCRAFT

1 A. To the best of my memory, it was it was a short  
2 time after that. I think it was Summer, 2010.

3 Q. Do you owe your landlord any money for that  
4 address?

5 MR. NORINSBERG: Objection.

6 A. Yes.

7 Q. How much do you owe the landlord?

8 A. I -- I imagine thousands, a few thousand dollars.

9 Q. When did you begin surreptitiously recording your  
10 coworkers?

11 MR. NORINSBERG: Objection.

12 A. What does "surreptitiously" mean, what is that?

13 Q. When did you begin recording your coworkers  
14 without their knowledge?

15 MR. NORINSBERG: Objection. You can answer.

16 A. I don't recall any date when I started. In 2006,  
17 2007 or 2008, some time around that period.

18 Q. Why did you begin recording your coworkers  
19 without their knowledge?

20 MR. NORINSBERG: Objection.

21 A. There wasn't any one specific reason. I was  
22 documenting the roll calls, where officers receive orders  
23 pertaining to their duties throughout the day. I was  
24 particularly concerned about how they reference training  
25 and sign the training log, and -- they wanted officers to

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1 just sign the training log. And most of the time, we  
2 didn't receive any training that I became aware of, was  
3 mandated by police headquarters.

4 And I heard other officers talk about how  
5 recorders can back you up from accusations made by people  
6 on the street, and stuff like that. It wasn't any one  
7 particular reason. It was -- it was to document the roll  
8 calls and the falsifying the training log, and those -- I  
9 don't recall any other particular issue or specific issue.

10 Q. Did you think at the time you made these  
11 recordings, that you would be suing the City at some later  
12 date?

13 A. No.

14 Q. Did anyone suggest to you that you record your  
15 coworkers without their knowledge?

16 A. I don't recall any suggestion.

17 Q. Did your father ever suggest to you that you  
18 record your coworkers without their knowledge?

19 A. No.

20 Q. Do you know if your father has ever recorded his  
21 coworkers without their knowledge?

22 A. I don't believe so, no.

23 Q. How many recordings have you made that are  
24 related to your claims in this lawsuit?

25 MR. NORINSBERG: Objection. You can answer.

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1 anything, exactly. There was no way to know when something  
2 would happen.

3 Q. Did you record just the roll calls, or did you  
4 record as well, other portions of your tour?

5 A. There were times where I think there are -- there  
6 are -- where I didn't go back to my locker and put the  
7 recorder back, and the recorder would go on until I did  
8 that. It would be after roll call. There may have been  
9 times like that.

10 But I don't recall recording the entire day or --  
11 you know, I don't remember how long or when exactly I would  
12 have the recorder.

13 Q. So it was not your intention, though, to record  
14 your actual tours on command?

15 MR. NORINSBERG: Objection.

16 A. You mean including the roll call?

17 Q. Excluding the roll call.

18 A. I don't believe I ever intended to record the  
19 entire tour. I didn't know if I had the technology; I  
20 didn't know if it would run that long. My intent was to  
21 catch -- to document the roll calls, the official, "This is  
22 your duty today, this is what we want you to do, and sign  
23 the training log."

24 Q. Why did you feel you had to record those roll  
25 calls?

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1       A.       Again, the falsifying the training we were  
2       receiving, numerous times, instructions on how to increase  
3       our activity. What I was hearing was, "Arrest people or  
4       summons people without probable cause." And I had a -- I  
5       had concerns about those orders.

6       Q.       What did you intend to do with those recordings?

7       A.       What did I intend to do?

8       Q.       Yes.

9       A.       I had no -- I was just documenting -- I was just  
10      documenting and somewhat corroborating to myself what was  
11      being said. I had no -- I didn't start any investigation  
12      at that time. I was just -- again, learning the  
13      technology, and hearing what was said.

14      Q.       So when you first started recording, you had no  
15      intention of sharing these recordings with anyone?

16      A.       No. I didn't think of anyone who would be  
17      concerned. I never -- I didn't think about it. What I was  
18      documenting was a pattern, not any specific one recording.  
19      But a pattern over a period of time of this -- of what  
20      supervisors were telling patrolmen.

21      Q.       Did you save every recording that you made?

22      A.       I don't believe so.

23      Q.       Did you delete recordings?

24      A.       Not intentionally. Again, there were times where  
25      the battery would go dead transferring the recording to the

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1 A. I don't recall if I had lunch with anyone or  
2 where we went.

3 Q. Your Complaint states that Lieutenant Caughey was  
4 menacing and threatening to you, by keeping his hand on his  
5 gun on October 31, 2009; is that correct?

6 A. Correct.

7 Q. Did you believe he was going to shoot you?

8 A. At the time, I believed his behavior was  
9 inappropriate. And I -- I felt anything was possible.

10 Q. Did you believe that anyone from the N.Y.P.D. was  
11 going to use their firearm against you on October 31, 2009?

12 A. I don't recall specifically thinking that, no.

13 Q. Had anyone from the N.Y.P.D. ever threatened you  
14 with a firearm prior to October 31, 2009?

15 A. I don't believe so, no.

16 Q. You allege that P.A.A. Boston told you that she  
17 also believed Defendant Caughey was menacing that day; is  
18 that correct?

19 A. Yes.

20 Q. Did you record that statement by her?

21 A. I don't know if -- I don't know -- I haven't  
22 heard that recording; it's possible.

23 Q. Did she tell you why she thought Lieutenant  
24 Caughey was menacing?

25 A. I don't remember if she did or not.

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1 Q. On October 31, 2009, did you state in reference  
2 to Defendant Mauriello, "I would like to at least have a  
3 fucking chance to go in a gun battle with him"?

4 A. What was that again?

5 Q. Did you state on October 31, 2009, in reference  
6 to Defendant Mauriello, "I would like to have at least a  
7 fucking chance to go in a gun battle with him"?

8 A. I don't recall making -- ever making a statement  
9 like that.

10 Q. Do you recall making that statement about anyone,  
11 not including Defendant Mauriello?

12 A. I don't recall ever making that statement about  
13 anyone, no.

14 Q. On October 31, 2009, do you recall stating in  
15 reference to a recording device, "How long do you think  
16 that'll fucking stay on me, after they fucking kill me?"

17 A. Again, I don't recall making that statement, but  
18 it's possible.

19 Q. Who did you make that statement to?

20 A. I would have to hear the recording.

21 Q. But sitting here right now, you don't recall who  
22 you made that statement to?

23 A. No.

24 Q. Had anyone at the N.Y.P.D. threatened to kill you  
25 prior to you making this statement?

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1 MR. NORINSBERG: Objection.

2 A. I didn't receive any explicit threat, no.

3 Q. Did you receive any implicit threat?

4 A. I felt Caughey's behavior that day was menacing  
5 and threatening.

6 Q. And you believed that he was threatening to kill  
7 you?

8 MR. NORINSBERG: Objection.

9 A. I believe his behavior was menacing, and  
10 intimidating and threatening.

11 Q. Besides Lieutenant Caughey, were you in fear from  
12 any other member of the N.Y.P.D.?

13 A. I don't recall any exact -- I was concerned; I  
14 don't know if I would define it as fear. Maybe at certain  
15 times, I was more concerned towards the end of the day.

16 Q. Who were you concerned about at the end of the  
17 day?

18 A. Mostly, Lieutenant Caughey.

19 Q. Did you tell anyone on October 31, 2009, that  
20 "Mom is speaking to me"?

21 A. I don't recall ever making that statement, no.

22 Q. Do you recall making a statement on October 31,  
23 2009, "I have heard guys say that I am six-foot four and  
24 that I lift motorcycles over my head"?

25 A. I don't recall ever making that statement.



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1 Q. Did you follow the procedure for leaving work  
2 early on October 31, 2009?

3 A. I believe so, yes.

4 Q. Whom did you ask to leave early?

5 A. I believe her name was Sergeant Huffman,  
6 something like that.

7 Q. How did you ask her to leave early?

8 A. I informed her -- I believe I told her I had an  
9 upset stomach, and I gave her a -- a slip with my -- with  
10 all my information on it; my name, my address where I would  
11 be. And I told her "I don't feel well." And I turned in  
12 all the paperwork I was involved with. And that was it.

13 Q. What paperwork did you give her?

14 A. Referring to what I was working on, or the slip?

15 Q. What did you give her?

16 A. I gave her -- it's referred to as a sick slip. I  
17 am not sure the exact form number, but the slip is what  
18 officers fill out when they go sick.

19 Q. Did you give her other documents at the same time  
20 you gave the sick slip?

21 A. I don't recall giving her any specific other  
22 documents that I gave her at that time, no.

23 Q. Did Sergeant Huffman tell you that you cannot  
24 leave unless you wanted lost time?

25 A. I believe she said something to that effect. And

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1 I said "lost time is fine," to the best of my memory, "lost  
2 time is fine." But then I think she said the lost time had  
3 to be authorized.

4 And I didn't feel the lost time would have been  
5 authorized. I preferred -- I was feeling under the  
6 weather, and I preferred to go regular sick.

7 Q. But you recall agreeing to lost time?

8 A. I don't recall agreeing to lost time. It's  
9 possible, if that was -- if she would have allowed it, then  
10 I would have agreed to it. But I didn't feel lost time  
11 would have been granted.

12 Q. So when she said you can take lost time, what did  
13 you say to her?

14 A. It would be something to the effect, "That's  
15 fine."

16 Q. Did you speak with Police Officer Yadira  
17 Rodriguez, after you asked to leave work early?

18 A. I don't recall speaking to Yadira Rodriguez, no.

19 Q. Do you recall speaking with Police Officer Craig  
20 Rudy after you asked to leave work early?

21 A. I don't recall any specific conversation with any  
22 officers.

23 Q. Did you believe that you were leaving work early  
24 against the orders of Sergeant Huffman?

25 A. No. I didn't believe that, no.

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1 leaving the precinct on October 31, 2009?

2 A. I don't recall speaking to him, no.

3 Q. What happened, after you left the precinct?

4 A. To the best of my memory, I drove home. I got  
5 home, I notified I.A.B. of -- by phone, I notified I.A.B.  
6 of Caughey's behavior. I addressed my upset stomach or --  
7 they were flu symptoms, with NyQuil.

8 And I -- I recall talking to my father. And  
9 then -- then I laid down to go to sleep. And then the  
10 details after that, are in the recording.

11 Q. Why did you notify I.A.B. of Caughey's behavior?

12 A. I felt his behavior should have been  
13 investigated.

14 Q. How so?

15 A. How would they investigate it?

16 Q. I am sorry, that was an unclear question. Why  
17 did you believe that Caughey's behavior needed to be  
18 addressed by the I.A.B.?

19 A. He was acting in an -- in a bizarre, unusual  
20 manner; pacing around me, carrying his firearm in an  
21 improper fashion. Ms. Boston called me on the phone and  
22 told me he was pacing around me and staring at me. And I  
23 just had a general concern about what his problem was with  
24 me.

25 Q. So what did you want I.A.B. to do?

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1       A.       I assumed that they would ask him -- ask him why  
2       he was behaving that way, that day.

3       Q.       And that was why you called I.A.B., was so that  
4       they could ask Defendant Caughey why he was behaving the  
5       way he was?

6       A.       To investigate in general, his behavior. And I  
7       believe -- I don't know if I -- in that phone call, I  
8       addressed that I was concerned about the Complaint that I  
9       had filed against him, just a little over a month before  
10      that. But it's possible, I did; it's possible I didn't.

11      Q.       What Complaint had you filed against him a month  
12      before that?

13      A.       I don't remember the details. But off the top of  
14      my head, it was regarding him and another supervisor  
15      working together to obtain that supervisor's personnel  
16      file, to take out command disciplines and Civilian  
17      Complaint Review Board reports that would affect that  
18      supervisor's promotion.

19      Q.       Were you aware that C.C.R.B. records, or Civilian  
20      Complaint Review Board records, are hosted on a database by  
21      the C.C.R.B., that is not accessible to the N.Y.P.D.?

22                      MR. NORINSBERG: Objection.

23      A.       I assume that they would have their own records.

24      Q.       So why do you believe that Lieutenant Caughey and  
25      this other officer would destroy records that existed in a

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1 Q. You have listened to that recording. Could you  
2 hear what was being said on the recording?

3 A. I don't believe I have heard what was being said  
4 on the recording.

5 Q. Which EMT took your blood pressure?

6 A. The male.

7 Q. Did you agree to go to the hospital at any time?

8 A. Yes.

9 Q. Why did you agree to go to the hospital?

10 A. I felt it would be safer than where I was. I  
11 felt, possibly, the hospital would be a safer place, in  
12 public view. And it would -- it would get all of those  
13 police supervisors out of my home. I thought they would  
14 leave.

15 Q. What happened after you agreed to go to the  
16 hospital?

17 A. To the best of my memory, I followed EMS  
18 downstairs, we walked outside towards the ambulance, a male  
19 in a white shirt -- a white police uniform shirt approached  
20 the male EMS as we were walking toward the ambulance.

21 And he stated in some manner, he said "Jamaica?"  
22 And the male EMS stated "Yeah." At that moment, I RMA'd,  
23 refused medical attention to the female, who was behind me.  
24 And I walked back to my home.

25 Q. Could you describe the white shirt police

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1 officer.

2 A. He was male, wearing a uniform hat. And I don't  
3 believe I had ever seen him before.

4 Q. How tall was he?

5 A. He was about the same height as the EMS, male  
6 EMS.

7 Q. Approximately how tall was the EMS, male?

8 A. I don't recall. They were about -- approximately  
9 the same size.

10 Q. Taller than you?

11 A. I don't believe they are -- they were taller than  
12 me, no.

13 Q. Why did you refuse medical attention?

14 A. I wasn't familiar with Jamaica Hospital. I was  
15 familiar with Forest Hills Hospital, and I believed I had  
16 the right to choose which hospital I could go to.

17 And I believe that was the police department's  
18 intent, to convince the personnel that that's the hospital  
19 they wanted me to go to.

20 Q. Why did you believe that?

21 A. The way they were communicating with each other,  
22 I didn't feel it was appropriate that EMS was sharing  
23 medical information with them. I felt there was no -- I  
24 don't even feel the exam was that objective.

25 I just didn't -- I just didn't feel safe going

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1 with them anymore, since I had no control over where I was  
2 going.

3 Q. You did not believe the test of your blood  
4 pressure was objective?

5 MR. NORINSBERG: Objection.

6 A. I felt whatever number they gave was appropriate  
7 for what was happening; a chief invading my home, I felt it  
8 was -- appropriate.

9 Q. Did the EMS technicians explain to you why they  
10 were taking you to Jamaica?

11 A. If they did, I don't recall any specific reason,  
12 other than the high blood pressure.

13 Q. Did you ask to go to Forest Hills?

14 A. Yes.

15 Q. What was the response?

16 A. I don't recall any response, other than -- they  
17 may have said "okay." I don't recall their exact response.

18 Q. Is Jamaica closer to your apartment than Forest  
19 Hills?

20 A. If it is, it's fractions.

21 Q. Were you on the phone with anyone when you  
22 entered the ambulance, or approached the ambulance?

23 A. I may have been; I don't remember.

24 Q. With whom were you speaking?

25 A. If it was anyone, I believe it would be my



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1 your apartment?

2 A. I don't know if there was another chief. I  
3 didn't recognize another chief.

4 Q. Did anyone try to stop you from returning to your  
5 apartment?

6 A. I don't recall anyone stepping in front of me.  
7 But as I was entering my home, Captain Lauterborn pushed  
8 his way into the house behind me, not allowing me to shut  
9 the door behind me.

10 Q. How did he push his way in?

11 A. He pushes like a football tackle.

12 Q. He tackled you?

13 A. No. Like a football tackle would guard. He used  
14 his arm and he shoved the door against the wall abruptly.  
15 And he did it again, and he did it again to the door to my  
16 apartment.

17 Q. I am sorry, I am not understanding. He used his  
18 football tackle on what?

19 MR. NORINSBERG: Objection.

20 A. The comparison to a tackle -- in football, you  
21 block -- maybe it was a block, but it was a push, if you  
22 don't want to use the football analogy.

23 But he used his arm, I believe it would be his  
24 right arm, to push the door open and slammed the door open  
25 against the wall. And then he did it again on the second



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1 door, he did it again on the third door.

2 Q. So I guess that's where the confusion is. What  
3 are the three doors you are speaking of?

4 A. There's a door to enter the house, then there's a  
5 door about four feet from that door with a lock on it. And  
6 then up the stairs to my room, is another door with a lock  
7 on it.

8 Q. And so he pushed his way through all three doors,  
9 is what you are saying; is that correct?

10 A. Preventing me from securing the doors, correct,  
11 from keeping them out.

12 Q. So what happened when you -- when you returned to  
13 your apartment?

14 A. To the best of my memory, I -- I went back to my  
15 bed and I laid down.

16 Q. How far behind you was Defendant Lauterborn on  
17 your way up the stairs?

18 A. He was directly behind me. I could feel his  
19 breath on my neck.

20 Q. But he didn't touch you at that time?

21 A. I wasn't -- I certainly wasn't pushed or shoved.  
22 He just -- he kept the doors open.

23 Q. And were you running up the stairs?

24 A. No. At no time was I running.

25 Q. So you were walking up the stairs?

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1 A. Correct.

2 Q. And he was walking behind you?

3 A. I believe he was.

4 Q. When you entered your apartment, you walked into  
5 your bedroom; is that correct?

6 A. Correct.

7 Q. And then you laid back down?

8 A. Yes.

9 Q. What happened next?

10 A. After I laid down, they tried talking me into  
11 going with them, again. I don't remember exactly the  
12 sequence of -- if I leave anything out, again the recording  
13 would show details.

14 But after that, Chief Marino came back. I  
15 remember him saying, "Be a man. Get up, walk out, or we  
16 are going to E.D.P. you." I recall that conversation going  
17 back and forth; the choices he was giving me, to do what  
18 they said, or I would be E.D.P.'d.

19 Q. What were your choices?

20 A. To go with him or get in the -- to the best of my  
21 memory, either get in the ambulance, which meant going with  
22 them, or I would be E.D.P.'d and forced out.

23 Q. So did Chief Marino give you the option of  
24 voluntarily going to the hospital?

25 A. He gave an option, yes.

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1 police department, that makes that determination.

2 Q. Have you ever declared someone an emotionally  
3 disturbed person?

4 A. I don't believe so, no.

5 Q. On the occasions when you have interacted with an  
6 emotionally disturbed person, on how many occasions has  
7 that individual been sent to the hospital?

8 MR. NORINSBERG: Objection.

9 A. If I could remember every single time, I could  
10 probably answer that question. But I don't -- I would  
11 assume if they were deemed E.D.P., they would have to go to  
12 a hospital.

13 Q. Have you dealt with E.D.P.'s on many occasions?

14 A. I wouldn't know how to quantify "many." Over  
15 seven years, I recall -- I don't recall any specific  
16 incident involving any one E.D.P.

17 Q. How many officers used force against you on  
18 October 31, 2009, in your apartment?

19 MR. NORINSBERG: Objection. You can answer.

20 A. Approximately four to five.

21 Q. You have mentioned Sergeant Duncan and Lieutenant  
22 Gough. Who else used force against you in your apartment  
23 on October 31, 2009?

24 A. Lieutenant Broschart and Chief Marino.

25 Q. What force did Lieutenant Broschart use against

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1 you?

2 A. He was standing on my legs.

3 Q. When was he standing on your legs?

4 A. After they slammed me on the floor.

5 Q. How was he standing on your legs?

6 A. Like a -- like he would be standing on the floor,  
7 but my legs were underneath his feet.

8 Q. On your calf, on your thigh?

9 A. I believe -- it was the upper thigh, upper thigh,  
10 rear leg. I was on my stomach. And it was apparent -- I  
11 mean, I could see him until Chief Marino put his foot over  
12 my face, so I couldn't see who was doing what.

13 Q. So Lieutenant Broschart stepped on the back of  
14 your thigh while you were on your stomach?

15 A. He stood on the back of my thighs.

16 Q. Did he jump?

17 A. I don't recall any jumping, but I recall the  
18 pressure.

19 Q. How long was he standing on your upper thighs?

20 A. I believe he got off after the -- when they  
21 turned me over for the search, he was definitely not on my  
22 legs anymore.

23 Q. So was he on your thighs while they were trying  
24 to handcuff you, or after they handcuffed you?

25 A. It was right after I got slammed on the floor.

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1 Q. Was he -- so if he is standing on the back of  
2 your thighs, were each of his feet on one of your legs?

3 A. Correct.

4 Q. Which way was he facing?

5 A. He was -- the front of his body would have been  
6 facing the direction of my head.

7 Q. Now, you stated that Chief Marino stepped on your  
8 face; is that correct?

9 A. Correct.

10 Q. When he stepped on your face, did he lift his  
11 other leg off the ground?

12 A. What do you mean, the other leg that wasn't --  
13 the other leg or the foot that wasn't on my face?

14 Q. Correct.

15 A. I don't believe so. I believe I would have felt  
16 that pressure.

17 Q. On a scale of one to 10, how much pain were you  
18 in when Defendant Marino stepped on your face?

19 A. Eight or nine.

20 Q. Do you have any -- did you have any bruises from  
21 having your face stepped on?

22 A. I believe I had an abrasion for a couple days.

23 Q. How large of an abrasion?

24 A. I wasn't -- I didn't have access to a mirror for  
25 a few days. If there wasn't an actual abrasion, you could

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1       A.       I don't recall every exact time -- I certainly  
2       don't recall ever seeing him in person. But I believe his  
3       photograph is on the wall of some precincts or  
4       headquarters.

5               I don't recall exactly where I -- where I saw  
6       him, but -- he was certainly familiar to me. And I know  
7       him to be the Deputy Commissioner of Public Information,  
8       Paul Browne.

9       Q.       You allege that the police removed certain  
10       documents from your apartment after they -- excuse me,  
11       strike that.

12              You allege that police removed certain documents  
13       from your apartment, after you were taken into the  
14       ambulance; is that correct?

15       A.       Yes. I believe there were multiple documents  
16       removed from my home.

17       Q.       What documents do you believe were removed from  
18       your home?

19       A.       The only one specifically that I recognized gone  
20       was a folder containing notes -- I had written on the  
21       folder, "Report to the Commissioner," it was a -- notes  
22       regarding my investigating misconduct and corruption. And  
23       I was going to compile a report from a patrolman's  
24       perspective, to the police commissioner.

25       Q.       Were any other documents taken?

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1       A.       I believe -- I believe -- I never located a lot  
2       of Complaint reports. But the actual number, I don't  
3       specifically remember.

4       Q.       What is the proper method of maintaining N.Y.P.D.  
5       Complaint reports?

6                   MR. NORINSBERG: Objection.

7       A.       The proper method would be to keep them secured  
8       in some fashion or other.

9       Q.       Were you supposed to keep N.Y.P.D. Complaint  
10      reports in your apartment?

11      A.       I felt it was necessary to conduct my  
12      investigation, and to help the Quality Assurance Division.  
13      Like they instructed me to keep my -- anything else I find,  
14      to bring to them. It felt -- at the time, it felt safer  
15      than keeping them in my locker at work.

16                   But no, I feel it was appropriate to have these  
17      documents. I was not sharing this information with anyone,  
18      other than the department investigators.

19      Q.       How many N.Y.P.D. Complaint reports did you have  
20      in your apartment?

21      A.       The approximate number, I would not be able to --  
22      I can't recall all the ones I had.

23      Q.       More than 100?

24      A.       Again, I can't approximate the number because I  
25      never -- I didn't keep a log of -- I never expected anyone



A. SCHOOLCRAFT

1 to remove it from my home.

2 Q. Well, did you have a box full of Complaint  
3 reports?

4 A. I would say there was a container full of  
5 documents regarding -- regarding issues with the  
6 department. And there were certainly folders that were  
7 missing from that container, when I went back to the house.

8 Q. How large was that container?

9 A. I would -- I don't recall that size that  
10 container was, exactly. It was a normal-size box, or a  
11 plastic container; but normal-sized, not large, not small.

12 Q. Are we talking a banker's box or an outdoor  
13 storage box?

14 MR. NORINSBERG: Objection.

15 A. Probably a little larger than a banker's box.

16 Q. Did the officers take all of your documents?

17 A. No. I don't believe they found all of them, no.

18 Q. There were more that were hidden?

19 A. I believe the documents I secured with the  
20 Quality Assurance Division were still with them.

21 Q. So the officers who came to your apartment took  
22 all of the documents from your apartment?

23 MR. NORINSBERG: Objection.

24 A. All of what documents?

25 Q. Well, all of the N.Y.P.D. records that you have



## A. SCHOOLCRAFT

1     stated, did they take all of them from your apartment or  
2     did they leave some?

3         A.     I don't recall the documents -- I don't recall.

4         Q.     Did they take the whole box?

5         A.     No. I don't -- it was obvious, the container I  
6     am referring to was -- was disturbed, but not completely  
7     taken. Just -- there was stuff in files and stuff. The  
8     other stuff would have been copies of patrol guide pages  
9     and stuff like that.

10                It was -- it was more like, the 61's, I know for  
11     sure, and the Report to the Commissioner, the notes on the  
12     Report to the Commissioner. And I don't specifically  
13     recall what else is missing other than the -- the recorder  
14     that Marino took.

15         Q.     You state that Marino took a recording of yours?

16         A.     Yes.

17         Q.     What recording did he take?

18                MR. NORINSBERG: Recorder.

19         A.     He took the actual hardware, the digital voice  
20     recorder.

21         Q.     What was on that digital voice recorder?

22         A.     Some roll calls.

23         Q.     What roll calls were on there?

24         A.     I don't know, specifically. I would have to hear  
25     it.

A. SCHOOLCRAFT

1 Q. Had you downloaded the roll calls from that  
2 recorder to your computer?

3 A. I don't believe so.

4 Q. Were you recording the incident with the officers  
5 in your apartment on that tape recorder?

6 A. No -- I believed it was on, at the time that was  
7 happening, yes. But I don't have that recorder's  
8 recording.

9 Q. So you had two recorders at the time of the  
10 incident on October 31, 2009?

11 A. I had at least two recorders, yes.

12 Q. How many recorders did you have?

13 A. I had the one that picked up the -- the  
14 Halloween, the actual home invasion, and the recorder that  
15 was in my pocket.

16 Q. And which one did Chief Marino take?

17 A. The one they found, when they were searching me.

18 Q. What brand was that one?

19 A. It was an Olympus.

20 Q. Is this the one that looked like a watch?

21 A. No.

22 Q. Is the one that captured the home invasion, the  
23 one that looked like a watch?

24 A. No.

25 Q. So how many tape recorders did you have?

A. SCHOOLCRAFT

1 MS. PUBLICKER: L-U-E-L.

2 Q. In total, how many doctors did you speak with at  
3 Jamaica Hospital?

4 A. At least -- at least four, maybe more.

5 Q. When were you released from the hospital?

6 A. I believe it was Friday, late afternoon.

7 Q. Where did you go after you were released from the  
8 hospital?

9 A. I went to a hotel.

10 Q. What hotel did you go to?

11 A. I don't recall the name. But it's across the  
12 street from the hospital.

13 Q. Why did you go to a hotel?

14 A. My father had a room there, and there was nowhere  
15 else for me to go.

16 Q. Did your father have a room there before  
17 October 31, 2009?

18 A. No.

19 Q. Where was your father living on October 31, 2009?

20 A. I believe it was 196 County Highway 107.

21 Q. Why did you not go home?

22 A. I didn't have -- they had confiscated the keys to  
23 my apartment. And I didn't feel safe there.

24 Q. Why didn't you feel safe there?

25 A. I felt that once they learned that I was out,

## A. SCHOOLCRAFT

1 Q. Did you record that conversation?

2 A. I don't believe. I am assuming the Internal  
3 Affairs investigators were recording it, like they should  
4 have been.

5 Q. Why do you assume that?

6 A. Because they were Internal Affairs investigators,  
7 and I believe my accusations were that -- were serious  
8 enough to warrant a recording of conversation.

9 Q. I will take that picture back (handing).

10 Did they tell you they were recording you when  
11 you returned to your apartment, after you left the  
12 hospital?

13 A. I don't recall anyone telling me that they were  
14 recording me.

15 Q. You were interviewed by I.A.B. when you were in  
16 the hospital; is that correct?

17 A. Correct.

18 Q. When you were interviewed at the hospital, did  
19 I.A.B. tell you you were being recorded at that time?

20 A. I don't recall anyone ever telling me I was being  
21 recorded.

22 Q. You claim that Lieutenant Caughey took your memo  
23 book on October 31, 2009; is that correct?

24 A. Correct.

25 Q. Did he give your memo book back to you?

## A. SCHOOLCRAFT

1 A. Yes.

2 Q. Was anything removed from your memo book when he  
3 gave it back to you?

4 A. I don't believe so. I reviewed it. If there was  
5 anything missing, I don't recall being aware of it.

6 Q. Was your memo book defaced in any manner when you  
7 got it back?

8 A. There were certain pages with -- I don't know  
9 about "defaced," but there were pages with certain notes on  
10 them regarding corruption or misconduct that were  
11 earmarked. They were bent in the corner, or folded over.

12 Q. Were any of your notes blacked out?

13 A. I don't recall anything being blacked out.

14 Q. So Defendant Caughey did not destroy any evidence  
15 in your memo book; is that correct?

16 A. I don't know. I don't recall how carefully I  
17 reviewed the memo book. I only had it for -- I believe  
18 that memo book is with Internal Affairs investigators right  
19 now. I don't recall anything being blacked out. I just  
20 remember the pages, certain pages were folded.

21 Q. Did any defendant ever tell you not to speak to  
22 the media?

23 A. Not in those exact words, no.

24 Q. Did they tell you in any words, not to speak to  
25 the media?

A. SCHOOLCRAFT

1 Q. What you meant there when you said that's the way  
2 to fuck him over --

3 A. Make him answer for his actions.

4 Q. How did you expect to do that?

5 A. I expected the Department to take him out of that  
6 position and at least admonish him.

7 Q. Was there something about going to court you  
8 thought might happen as a result of this?

9 A. At the time I was trying to appeal an annual  
10 evaluation. And after meeting with Inspector Mauriello and  
11 others he made reference to a lawsuit, and that gave me the  
12 impression he wasn't going to try to mitigate within the  
13 precinct or the Department. I was probably going to have  
14 to find some other way of resolving my employment issue.  
15 As far as having the failing evaluation which that starts a  
16 paper trial to being fired.

17 Q. So it is a paper trial to the person who is being  
18 evaluated gets fired, meaning you?

19 A. That is what I believe; correct.

20 Q. You intended to sue him and the Department over  
21 that evaluations?

22 A. I believe that was possibly the only way that was  
23 going to be handled. At the time of this conversation,  
24 October 7, 2009, I believe I was now referring back to the  
25 PBA. I was communicating with Stuart London, who is an

A. SCHOOLCRAFT

1 attorney with the PBA.

2 MR. SMITH: And we are not going to talk  
3 about any discussions or advice given to you. I  
4 will provide information about your beliefs and  
5 expectations and the background for that, but you  
6 will not be disclosing the contents of  
7 communication with counsel which would include a  
8 lawyer at the PBA.

9 MR. KRETZ: Do you want to give him the whole  
10 chapter on attorney/client privilege.

11 MR. SMITH: Only as much as is necessary.

12 A. That's an easy one anyway.

13 Q. I agree.

14 A. Glad you agree. I can't remember the question.  
15 You asked me about a lawsuit.

16 Q. Yeah.

17 A. I believe, it doesn't have to be in a courtroom,  
18 but I thought maybe once, I can't remember when I first met  
19 Stuart London, but I kinda got the feeling it was not going  
20 to be a problem. He was going to be able to handle it  
21 amicably. But I don't know, I had the feeling and this is  
22 a few months after first meeting Mr. London, and I've  
23 written more letters to the union. It looked more and more  
24 like it was going to have to be, I was going to have to  
25 find another private attorney, and possibly file a lawsuit.



A. SCHOOLCRAFT

1 Q. You had in mind as of the date of this  
2 conversation October 7, 2007 you would be in a lawsuit  
3 against the NYPD and Mr. Mauriello and others?

4 A. That question sounded complicated.

5 Q. As of the date October 7, 2009, your assumption  
6 at that point was you would end up in a lawsuit that you  
7 would commence against the NYPD?

8 A. I don't know who it would be against, but  
9 regarding my employment. That I had already sought counsel  
10 regarding these issues with a private attorney.

11 Q. You told us that. So, what you had in mind was,  
12 you would bring a lawsuit relating to your evaluation  
13 whatever that form might be?

14 A. Assuming that I had one after seeking counsel. I  
15 am assuming that would be the only way to resolve this  
16 regarding the employment.

17 Q. Did you expect in that lawsuit to challenge your  
18 modified duty status in the Department?

19 A. Say that again.

20 Q. You had in mind that you would be involved in a  
21 lawsuit. And you had in mind that lawsuit would involve  
22 your evaluation if a lawyer said you could bring such a  
23 suit. And now I am asking whether you had also in mind if  
24 that lawsuit would involve your modified duty status in the  
25 Department?



A. SCHOOLCRAFT

1       A.       When you say evaluation, you mean the annual  
2       evaluation I was given by Inspector Mauriello?

3       Q.       Is that what you were referring to?

4       A.       Yes, I think you divided both of them, but there  
5       were two evaluations. One caused the modification, I guess,  
6       the psych evaluation.

7       Q.       I was talking about your performance evaluation.  
8       Did you understand, did you have in mind that the lawsuit  
9       you might bring would also involve a challenge to your  
10      modified duty status?

11      A.       I don't know if I was aware that would have  
12      played into that. But I was bringing that issue up on how  
13      to contest that with my union.

14      Q.       Did you want to sue about your modified duty  
15      status?

16      A.       At that time I felt it could been resolved still.  
17      Even though it had happened, I still didn't see any  
18      documentation on it. I was using references, to the best  
19      of my memory, I referenced the bell that can't be unrung.  
20      But still I had no documentation on what they were doing.  
21      Can we go back in time and everyone say knock it off and  
22      behave.

23      Q.       Let's go back to February of 2009. Wasn't there  
24      a meeting in February with all your supervising officers  
25      where your evaluation was discussed?